Keith M. Corbett

From: Keith M. Corbett
Sent: Thursday, February 28, 2019 5:38 PM
To: Gabriel Harvis
Subject: Jackson v. Village of Freeport -
Attachments: Scan_Attachment0.PDF

Mr. Harvis:

As you are no doubt aware, Rule 11 of the Federal Rules of Civil Procedure requires all plaintiffs to have a good faith basis to file a lawsuit and prohibits frivolous claims. In this regard, a lawsuit must be brought for a proper purpose, the claims must be supported by the law, and the facts must have evidentiary support as well. Under Rule 11, a plaintiff may not bring a lawsuit merely to harass or annoy the defendant(s).In accordance with the duty of good faith, it is incumbent upon the plaintiff to identify the proper defendants in an action. It is not proper for a plaintiff to list numerous potential defendants and rely upon the defendants to determine the proper parties. Keeping these considerations in mind and reserving any and all rights without waiving or limiting any rights, the records attached clearly demonstrate that the following named Village of Freeport Defendants are not proper defendants in this action:

P.O. Oritz
P.O. Barrella
P.O. Pomerico
P.O. Pavlik
P.O. Melendez
P.O. Hall

Additionally, please note that Detective Zimmer is deceased. As we have advised your office in the past, it is our position that The Village of Freeport, Freeport Police Department and any Freeport Police Officers in this action are not proper defendants As previously relayed, the County of Nassau was responsible for and in command of the events that you allege transpired on March 20, 1994. However, since the Court has directed our office to assist you in performing the very task you should have accomplished prior to bringing this action, we attached the annexed addendums which clearly demonstrate the above named police officers were not a part of any actions that form the crux of your complaint.

We are available to meet and confer via telephone tomorrow March 1, 2019 at Noon.

Upon review, please do not hesitate to contact my office. If acceptable

Thanks

Keith M. Corbett
Partner

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